



Office of Public Instruction
Linda McCulloch, Superintendent
PO Box 202501
Helena, MT 59620-2501

Individuals With Disabilities Education Act (Part B) Maintenance of Effort (MOE) Exception(s) Documentation

Name of Cooperative/District:	LE:	Phone:
Name of Person completing the form:		Signature:
Completed for (District/Cooperative name):	LE:	Date:

As part of the Part B application approval process, applicants must comply with 34 CFR 300.230, nonsupplanting. The U.S. Department of Education determines compliance with the nonsupplanting regulation by comparing actual expenditures one year to actual expenditures the next year.

Current IDEA regulations allow for the following exceptions:

- a. The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel who are replaced by qualified, lower-salaried staff;
- b. A decrease in the enrollment of children with disabilities;
- c. The termination of the obligation of an LEA, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the state educational agency, because the child –
 - i. has left the jurisdiction of the LEA;
 - ii. has reached the age at which the obligation of the LEA to provide a free appropriate public education to the child has terminated;
 - iii. no longer needs such program of special education; or
- d. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

NOTE: When determining figures for maintenance of effort, the Office of Public Instruction checks for decreases in enrollment of children with disabilities, and excludes from the calculation, costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities. Therefore, these exceptions (b and d above) have already been considered by the Office of Public Instruction.

If the district, or in the case of a cooperative, the cooperative and/or its participating districts did not maintain effort and the reason is attributable to any of the exceptions as described above, please check all boxes that apply, provide supportive documentation on the back of this form, and return it to the Office of Public Instruction.

- ☐ The voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel who are replaced by qualified, lower-salaried staff.

- ☐ The termination of the obligation of an LEA, consistent with the requirements of the Individuals with Disabilities Education Act, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the state education agency.

Please provide an explanation for the decrease in expenditures. Identify the exact amount of decrease in salaries and benefits for each exception and list the line items in the trustees' report where it can be identified. If the decrease is the result of a particular student, provide the initials and birth date of that student and type of service provided.

Questions regarding completion of this document should be directed to Marilyn Pearson at 444-4428 or Marlene Wallis at 444-2504.

Please return this form to:

**Marilyn Pearson
Assistant Director of Special Education
Office of Public Instruction
PO Box 202501
Helena, Montana 59620-2501**